

## **Executive Summary: Interim Report of the Evaluation Committee**

Chief Judge Procter Hug, Jr. appointed the Evaluation Committee in March of 1999 to examine the Ninth Circuit Court of Appeals' policies, practices, and procedures *to make recommendations to improve the delivery of appellate services*. The committee sought to address a variety of concerns raised in the course of the work by the Commission on Structural Alternatives for the Federal Courts of Appeals which issued its final report in December 1998. In this 13-page interim document, the Evaluation Committee reports on its principal findings and recommendations and some court actions in five main areas.

### **The En Banc Process**

- consulted an expert statistician who confirmed that an 11-judge en banc court achieved a 94% rate of representativeness of the views of the full 28-judge court;
- recommended an increase in the number of cases that the court hears en banc each year;
- recommended an increase to 13 in the number of judges on the en banc court when the court has 25 or more judges in active service;
- suggested quarterly sittings of en banc courts; the first took place in March 2000;
- posted online a status report on cases in which en banc review has been granted.

### **Improving Processes and Efficiencies**

- directed "batching" of cases that raise the same issue so that the decision in the "lead" case will expedite resolution of similar cases;
- permitted release of the names of the judges on monthly motions panels at the time the panel issues its first order;
- recommended that panels issue orders to counsel before oral argument directing them to focus on particular issues and cases;
- suggested the court consider a rule to give guidance to counsel when they feel their case has been unduly delayed.

### **Consistency of Decisions**

- instituted issuance of daily pre-publication reports on all about-to-be-released opinions giving all judges a chance to review them for consistency;
- circulated a response form and request for help from judges and lawyers on identifying conflicting decisions;
- set up an ongoing monitoring experiment to "flag" six categories of cases for extra scrutiny to avoid conflicting decisions or errors.

### **Regional Sensitivity and Outreach**

- authorized a regional calendaring experiment through calendar year 2000 so that one judge who resides in the Northern administrative unit is assigned to sit on each three-judge panel that is hearing a case from within that region;
- increased the number of hearings and bench-bar meetings in cities where the court does not ordinarily sit.

### **Collegiality**

- suggested several possible ways to increase the opportunities for judges from across the circuit to sit with each other more frequently.